1945. **File No.** ○ Lunacy/45

Legal Department—

A BRANCH

Subject:—

Opinions under the

Indian Lunacy Act 1912.

(17.3/E)

File No. ○ Lunacy/45 129-A

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10633.
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2) The R.L.A. has been requested to state whether the view taken in R.D. note dated 20-12-1944 at p. 254, that it will be necessary for the major son of Mr. G.K. Joshi, I.C.S. (Retired), to apply to a Court to law in regard to the appointment of a manager of the insane person under the Indian Lunacy Act, 1912 (IV of 1912) and after the Court appoints a Manager the Provident fund amount due to Mr. Joshi will be made payable to him is correct.

R.D's view is that the major son of Mr. Joshi should apply to a Court of law for appointment of a manager of Mr. G.K. Joshi's property and after the Court appoints such manager, the amount of the provident fund standing to the credit of Mr. G.K. Joshi should be made payble to such person, is correct.

Seen and returned

the view taken by R.D. is correct.

Id/- R.T.K.
11/1

A.L.R. I agree.

Id/- B.G.H.
11/1

R.L.A. Id/- P.N.M.
12/1.

U. R. to R.D., No. 705 d. 23-1-1945

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No. 5556

Office of the
Remembrancer of Legal Affairs.
Bombay Castle, 27th July 1945.

From

P.N.Moos, Esquire, Bar-at-Law, I.C.S.,
Remembrancer of Legal Affairs.

To

The Public Prosecutor for Bombay.

Sir,

Subject: Case No. 180/M of 1944-Maintenance charges in respect of a civil lunatic detained in the Mental Hospital at Yeravda.

With reference to your letter No. 228 dated the 4th June 1945, on the subject noted above, I have the honour to state as under:

Section 39 of the Lunacy Act, 1912, provides that application for inquisition may be made by any relative of the alleged lunatic or by the Advocate General. If the application is to be made by the Advocate General, it will be for the Solicitors to Government to take steps under rule 24 (b) of the Law Officers Rules to make such application. The Legal Department cannot take any steps in such matters unless the Administrative Department moves. Consequently if the Presidency Magistrate does not consider it legally feasible in the present case to transfer the duties and responsibilities of Mrs. Betty Figueira to the Bombay Steam Navigation Company by an order under section 11A of the Lunacy Act,

he may move Government in the Administrative Department to initiate proceedings under part III for an order under section 56(1), whereupon the Solicitors to Government will due course be instructed to take steps to apply to the High Cout.

Yours obedient servant,

Sd/-

Remembrancer of Legal Affairs.

Encl.

copy of Letter No. 389
150/N of 44
from the Presidency Magistrate, Bombay.

A.A.R.R. (before issue) R.S.H. 20/7

A.S. (" ") Id/- 26/7

Issued

C.S.P.
27/7.

EVY. 6/6.